

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ISAAC NARANJO,)	
)	
Plaintiff,)	Civil Action No. 21-cv-72J
)	District Judge Christy Criswell Wiegand
v.)	Magistrate Judge Maureen P. Kelly
M.M. IVICIC, D. J. CLOSE, and M.J. PYO,)	
)	Re: ECF No. 82
Defendants.)	
)	

MEMORANDUM ORDER

Plaintiff Isaac Naranjo (“Plaintiff”), an inmate incarcerated at the State Correctional Institution at Houtzdale (“SCI-Houtzdale”), brings this *pro se* action arising out of allegations that he was placed in administrative custody in retaliation for filing a lawsuit and grievances in violation of his First Amendment rights. ECF Nos. 28 and 63.

Plaintiff has filed a Motion to Compel Discovery (“Motion to Compel”) in which he contests the sufficiency of discovery responses to Plaintiff’s Interrogatories Directed to Defendant [M.M.] Ivicic (“Ivicic”). ECF Nos. 82 and 84. He seeks to compel further information in response to three specific interrogatories. ECF No. 82 ¶¶ 1-3.

Although Defendants filed a Response to the Motion to Compel, they simply note that discovery responses were provided on June 28, 2022, without addressing the sufficiency of those responses. ECF No. 90 ¶¶ 5-6. Based on this, they request the Court to deny the Motion to Compel as moot. Id.

Against this backdrop, the Court will address the three specific interrogatories at issue.

INTERROGATORY NO. 1: Defendant Ivicic state is it fair to say that you was who instructed Defendant Pyo to issued and signing the 802 other reports no. D502308 and D504137.

ANSWER: No, I did not instruct Defendant Pyo to sign the AC placements.

However, as a PRC member, I am made aware of an inmate's need for AC placement.

ECF No. 84 at 1.

As for Interrogatory No. 1, Plaintiff moves the Court to compel Ivcic to state if she instructed Defendant Pyo to sign the "802 Report No. D502308 and D504137," as specified in his request. ECF No. 82 ¶ 1. Upon review, the Court agrees that it is unclear whether Ivcic's response relative to "AC placements" is responsive in whole or in part to the specific reports identified in Plaintiff's request. Therefore, the Motion to Compel is granted as to Interrogatory No. 1.

INTERROGATORY NO. 2. Defendant Ivcic state is it fair to say that the Plaintiff Naranjo is not in the RHU under administrative directive 802, Section 1.B.1.a.

ANSWER: Plaintiff's most recent PRC review only indicates that it is recommended he continue on AC status.

ECF No. 84 at 1.

With respect to Interrogatory No. 2, Plaintiff asks that Defendants Ivcic be compelled to specifically state whether he is in the RHU under administrative directive 802, Section 1.B.1.a, as requested. ECF No. 82 ¶ 2. Again, the Court agrees that Ivcic fails to specifically respond to the question that is asked of her. The Motion to Compel is therefore granted as to Interrogatory No. 2.

INTERROGATORY NO. 3: Defendants Ivcic, state Plaintiff Naranjo status in SCI-Houtzdale RHU since November 2020 to the date of your response.

ANSWER: Yes.

ECF No. 84 at 1.

Finally, Plaintiff requests the Court to compel a response to the question he asks in Interrogatory No. 3. Upon review, the Court cannot determine what specific information Plaintiff is requesting that has not already been provided in response. Ivcic appears to have confirmed that Plaintiff has been placed in the RHU. If Plaintiff seeks further information about the nature of, or

reason for, that confinement, he must clearly state what information he is requesting so that Ivcic can meaningfully respond. Accordingly, the Motion to Compel is denied relative to Interrogatory No. 3.

An appropriate Order follows.

AND NOW, this 14th day of August, 2022, it is hereby ORDERED that Plaintiff's Motion to Compel Discovery, ECF No. 82, is GRANTED IN PART and DENIED IN PART. Defendant Ivcic is directed to provide further responses to Interrogatories Nos. 1 and 2 by August 15th, 2022. The Motion to Compel is denied in all other respects.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order. Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

BY THE COURT:


MAUREEN P. KELLY
UNITED STATES MAGISTRATE JUDGE

cc: The Honorable Christy Criswell Wiegand
United States District Judge

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All counsel of record by Notice of Electronic Filing